

## Judicial Conference of Indiana Board of Directors

**April 23, 2010**  
**Minutes**

The Judicial Conference of Indiana Board of Directors met at the Indiana Judicial Center on April 23, 2010. Chief Justice Randall Shepard presided and Jennifer Bauer acted as secretary.

1. **Members present.** The following members of the Board were present: Vicki L. Carmichael, David L. Chidester, J. Terrence Cody, Darrin M. Dolehanty, Michael G. Gotsch, Frances C. Gull, Carl A. Heldt, William J. Hughes, Matthew C. Kincaid, Thomas R. Lett, Daniel J. Molter, Carol J. Orbison, John A. Rader, Stephen M. Sims, Mark D. Stoner, Wayne S. Trockman, William E. Vance, Marianne L. Vorhees, Allen N. Wheat, Mary G. Willis and Randall T. Shepard, chair.
2. **Staff present.** The following Judicial Center staff members were present: Jane Seigel, Cathy Springer, Vicki Davis, Jennifer Bauer, Mary Kay Hudson, Michelle Goodman, Lisa White, Diane Mains, Julie McDonald, Jamie Bergacs and Barbara Harcourt. Also present were David Remondini and Kathryn Dolan of the Division of State Court Administration.
3. **Guests.** Judge John Surbeck attended the meeting on behalf of the Problem-Solving Courts Committee.
4. **Approval of minutes.** The minutes from the meeting held on January 15, 2010 were unanimously approved.
5. **Indiana Judges Association Report.** Judge Terry Cody reported that the judiciary made it through the legislative session without taking any hits. He stated that the senior judge legislation passed and a possible override of the governor's veto concerning selection of St. Joseph County's judges never came to a vote. He stated the actuary hired by the IJA to study PERF in relation to magistrates made a presentation at the Magistrates meeting last week. The actuary's findings were that the PERF numbers are accurate and favorable to magistrates and that magistrates should not purchase more than 8-11 years in the plan. Judge Cody also reported that the IJA Board of Managers met last week and approved the advance of funds for the "Plain English" Jury Instructions seminars for attorneys. The seminars will be 3 hour sessions, with committee members serving as faculty. The sessions will be Oct. 6 in Plainfield, Oct. 11 in Merrillville, Oct. 12 in South Bend, Oct. 13 in Fort Wayne, Oct. 18 in Jeffersonville, Oct. 19 in Evansville, and Oct. 21 in Indianapolis. The Indiana Judicial Center is making staff and equipment available for the seminars and Cathy Springer has been hired as a consultant to help with the seminars. Judges will have a session on the plain English jury instructions at the September conference.

- 6. Indiana Council of Juvenile and Family Court Judges.** Judge Sims reported that he has been working with the Probation Committee on the issue of consolidation of probation departments. He said there have been good discussions between the groups and thinks the proposal could be supported by the ICJFCJ. He also reported that the ICJFCJ will look at paternity affidavit issues at their June meeting.
- 7. JTAC Liaison Report.** Judge Mary Willis reported that Clark, Madison, Allen, Scott, Jackson, Jennings, Posey and Jasper Counties are next in line to deploy the Odyssey Case Management System. She stated that changes were recently made to Odyssey in response to comments from judges. JTAC has made changes to the QCSR in the areas of traffic processes, public access and reports generated. Judge Willis also reported that the Odyssey supervision module is about to be deployed in Harrison County, JTAC is working on an INCite application for the new risk assessment system, and 119, 931 traffic tickets have been filed electronically through the eCWS system.
- 8. Interim Problem-Solving Courts Rules.** Judge Surbeck reported that enabling legislation for Drug Courts was passed in 2002 and that enabling legislation for Re-Entry Courts was passed in 2006. This Board approved generic problem-solving courts legislation in 2009, which the legislature passed in 2010. Judge Surbeck explained that interim rules are now necessary for problem-solving courts until permanent rules can be drafted. He stated that he believes the Problem-Solving Courts Committee can complete the rules by September of 2011 and that the interim rules will allow courts to continue after July 1 of this year. He also explained that the interim rules were modeled after the Re-Entry Court rules and allow for the continued establishment of new problem-solving courts with provision certification by the Judicial Center. He distributed copies of the proposed interim rules. A motion was made to approve the interim rules. The motion was approved unanimously.
- 9. Judicial Education Rule Proposal.** Judge John Rader distributed copies of the Education Committee's proposed addition of Rule 28 and proposed amendments to Rule 29 of the Indiana Rules for Admission to the Bar and the Discipline of Attorneys regarding mandatory continuing judicial education. He explained that the proposal would increase the number of continuing education hours required for judges to 54 hours every 3 years, with at least 15 hours earned per year. He stated that this increase would be 50% more than the hours required for lawyers. He also stated that the increased continuing education hours would not apply to part-time commissioners, part-time referees, senior judges or city and town judges. A motion was made to approve Rule 29 and 29 as proposed. The motion was approved unanimously. The Rule will now be sent to the Supreme Court for its consideration.
- 10. Strategic Planning Committee.** Judge Mark Stoner commented that the increase of educational hours for judges is the first step in the movement of the Strategic Plan's reality. He thanked the Education Committee and the Judicial Center staff for their work on drafting the new rules. He reported that the Strategic Planning Committee plans to meet with the Clerk's Association after the primary election to discuss pilot projects. He stated that Boone County is the model they are using with regard to the clerk and the

management of court records. Judge Stoner also reported that the Strategic Planning Committee continues to meet regularly to discuss the governance and funding portions of the strategic plan. The committee had a video meeting with judges in Minnesota to learn how they have dealt with these issues. The committee has finished a draft for the description of the presiding judge and court administrator. They hope to have a proposal on sample districts by June. He also reported that the report from IU's School of Public and Environmental Affairs has generated a lot of discussion. He stated that the failure to accurately capture what judges do is holding back the ability to determine the cost of district governance.

**11. Probation Committee Report.** Judge Stoner reported that a proposed rule for the consolidation of probation departments was sent to judges in March. He explained that the proposed rule was drafted by an ad hoc committee of judges and probation officers after the Commission on Courts recommended that the Judicial Conference tackle the issue rather than the legislature. He reported that comments were solicited from the judiciary and that all sides of the issue were represented by the comments submitted. He explained that the ad hoc committee re-drafted the rule based on the comments and then re-drafted again at the suggestion of the Probation Committee. Judge Stoner stated that after working with Judge Sims, he thinks the proposed rule addresses the concerns of courts with separate juvenile probation departments. He distributed the proposed rule for review by the Board and explained that he is not asking for a vote so that the rule can be sent out again for comment by the judiciary. Judge Stoner explained that the consolidation rule is consistent with the Strategic Plan and leaves the details up to local judges. Chief Justice Shepard stated that the benefits from consolidation will occur over the long-term. He also reported that the Pew Center on the States is reviewing state and local corrections practices in Indiana and that probation is part of the review.

**12. Risk Assessment Update and Policy Approval.** Michelle Goodman reported that regional trainings on the juvenile risk assessment instrument will begin in May. Trainers for the adult instrument will begin the training in May and regional training on the adult instrument will begin in August. Ms. Goodman distributed copies of the adult risk assessment policy proposal and explained the protocol for certification. She also explained that the adult risk assessment instrument is a system of tools that work together to identify an offender's risk to re-offend and to identify needs to help with case planning. A motion was made to approve the proposed policy for the adult risk assessment instrument. The motion was approved unanimously. Jane Seigel reported that 120 end-users have been trained on the juvenile instrument and that 24 more trainings are scheduled in May, June and July. She also reported that over 40 adult trainings will be conducted in the fall and that all probation officers will be trained by the end of the year.

**13. Legislative Update.** Jane Seigel distributed a summary of enrolled acts that have an impact on the judiciary. Michelle Goodman reported that the jury services bill amended the law so that unemployed persons will no longer be penalized for serving on juries. Diane Mains reported that the problem-solving courts legislation passed and that the Board will be asked to pass rules to govern problem-solving courts. Ms. Seigel stated

that she wanted to bring several bills to the attention of the Board because of their affect on the judiciary. She highlighted attorney general notifications, fines for moving violations, membership change to the Sentencing Policy Study Committee, due process in child support proceedings, hardship licenses and the use of traffic fines to pay for judicial officers as bills that affect the workload of judges or affect the role of judges.

**14. State Court Administration Report.** David Remondini reported that State Court Administration has been working on court reform, COOP planning and mortgage foreclosure. He stated that Title IV-D funds are funding court reform grants and that grants in the amount of \$35-70,000 will be awarded for court improvement projects. He stated that STAD has been working with Allen County on COOP planning and that Trevor Moore has also developed a COOP plan for State Court Administration. He stated that foreclosure settlement conferences have been held in Allen County and St. Joseph County. The first 12 settlement conferences resulted in 4 saves, 1 short sale, 1 foreclosure and 6 others in the process of discussion with the lender. STAD has seen an increase in the number of settlement conferences requested. Mr. Remondini stated that Marion and Monroe Counties will be the next to begin holding mortgage foreclosure settlement conferences.

**15. Indiana Judicial Center Report.** Jane Seigel distributed a schedule of Judicial Center meetings for May through August, highlighting that the risk assessment trainings will be a huge undertaking. She thanked Michelle Goodman for her work in coordinating the planning for the trainings. Ms. Seigel reported that the Probation Officers Annual Meeting will be reduced to one day this year as a way to save money. Ms. Seigel also announced that Education Director Cathy Springer is retiring and that her last day at the Judicial Center is April 30<sup>th</sup>. She thanked Ms. Springer for her service to the judiciary and said that she will be greatly missed by her colleagues and judges.

**16. Next meeting.** The next meeting of the Judicial Conference Board of Directors will be June 18, 2010 at the offices of the Indiana Judicial Center in Indianapolis.

Respectfully submitted,

Jennifer A. Bauer